

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING BUNCOMBE COUNTY'S PERSONNEL ORDINANCE

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- WHEREAS, pursuant to N.C. Gen. Stat. § 153A-94, a county may by ordinance adopt personnel rules that promote the hiring and retention of capable, diligent and honest career employees;
- WHEREAS, on October 15, 1996, Buncombe County adopted the Buncombe County Personnel Ordinance;
- WHEREAS, on October 3, 2017, the County adopted a comprehensive update to the existing Personnel Ordinance;
- WHEREAS, in order to maintain negotiated policy rates, the County's excess auto liability insurance provider is requiring the inclusion of a County policy regarding Distracted Driving
- WHEREAS, this Board of Commissioners is of the opinion that it is in the best interests of the citizens and residents of Buncombe County to prohibit certain conduct while driving on County business and include such provisions in the Personnel Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS THAT:

Section 1. The Personnel Ordinance of Buncombe County as referenced in Section 3-1 of the Buncombe County Code of Ordinances on file with Buncombe County Clerk to the Board of Commissioners shall be amended as follows:

Appendix H: Buncombe County Vehicle Usage Policy is amended by inclusion of the in Section 4. Driver's Responsibilities:

**H. Distracted Driving**

Buncombe County has a vital interest in maintaining a safe, healthy and efficient working environment for its employees. This includes a safe and appropriate environment while traveling on County business. Distracted driving is a serious safety risk, not only to the driver, but also to other occupants in the vehicle, other vehicles on the road and pedestrians. In order to reduce the risks associated with distracted driving, certain conduct is prohibited while driving a County-owned motor vehicle or while driving a personal vehicle while on County business, including:

- i. Use of cell phone or other mobile device to text or email while operating a vehicle;
- ii. Operating laptops, tablets, portable media devices, and GPS devices; and
- iii. Reading maps or any type of document, printed or electronic.

Drivers must pull over safely to the side of the road or another safe location before checking messages, returning calls, text messaging, emailing, reading maps for directions, or programming/resetting GPS devices.

Section 2. All ordinances or portions of ordinances in conflict herewith are hereby repealed.

Section 3. Should any provision of the attached personnel ordinance be declared invalid or unconstitutional by any court of any competent jurisdiction, such declaration shall not affect the validity of the personnel ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Section 4. That this Ordinance shall be effective upon its adoption.

This the 6<sup>th</sup> day of October, 2020.

ATTEST

BOARD OF COMMISSIONERS FOR THE  
COUNTY OF BUNCOMBE

\_\_\_\_\_  
Lamar Joyner, Clerk

By: \_\_\_\_\_  
Brownie Newman, Chairman

APPROVED AS TO FORM

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County Attorney